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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,747	07/21/2003	Paul J. Hepworth	3271.2.14	7525
21552	7590	01/13/2006	EXAMINER	
MADSON & AUSTIN GATEWAY TOWER WEST SUITE 900 15 WEST SOUTH TEMPLE SALT LAKE CITY, UT 84101			CAPUTO, LISA M	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/623,747	Applicant(s) HEPWORTH ET AL.	
	Examiner Lisa M. Caputo	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-19,21-40,42-61 and 63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,41 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Election/Restriction

1. Receipt is acknowledged of the response to election/restriction, filed 31 October 2005. An election was made without traverse to prosecute the invention of Group II, claims 20, 41, and 62. Claims 1-19, 21-40, 42-61, and 63 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 20, 41, and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Brusky et al. (U.S. Patent No. 6,604,157, from hereinafter "Brusky").

Brusky teaches a system and method for allowing a user to select and scan from a peripheral to a target application on a host system. Regarding claims 20, Brusky teaches a method for interfacing an object identifier reader to an application in a computing device (host 12), comprising:

receiving object identifier data (data set; imported data from other documents or items) from the object identifier reader (scanner 44) through a first communication

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interface (interface 34), the object identifier data comprising information and formatting characters;

identifying the information in the object identifier data (data set is scanned and transferred to memory);

identifying an application (applications 54, 56, 58 on host 12) to receive the information, wherein the application is also running on the computing device;

determining that the application is not configured to receive the information through the first communication interface (interface 34) (i.e. preset parameters dictate if the application is able to receive the data set) ;

determining that the application is configured to receive the information through a second communication interface (processor 50 of the host comprises data manipulation techniques (e.g. OCR) in order for the application to receive the data);

and sending the information to the application on the computing device through the second communication interface (the scanned information is passed to the target application in the best form for use in that application) (see Figure 2, col 3, lines 5-60, col 5, lines 1-65).

It should be mentioned here that although Brusky teaches the existence of the interface 24 in the host, the present invention permits a user to transfer data scanned at peripheral 14 into the desired application 54, 56, 58 on host 12 without utilizing host interface 24. It is noted that the specification of the present application defines a communication interface as "consisting of either hardware, software, or a combination of both" in order to interface the object identifier reader to the computing device and its

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applications (see specification, page 6, paragraph 36). Hence, examiner interprets the second interface as the hardware/software combination of the processor 50 which performs data manipulation on the data set in order to ready it for transfer to the application since this second interface is allowing the data set that was scanned by the scanner to be put into appropriate form to be used by the computing device and its applications.

Regarding claim 41, Brusky teaches a system for interfacing an object identifier reader to an application comprising the object identifier reader (scanner 44) and a computing device (host 12) comprising a processor (processor 50), a memory (memory 52) which stores applications in electronic communication with the processor, a first communication interface (interface 34) in electronic communication with the object identifier reader, a second communication interface (processor 50 of the host comprises data manipulation techniques (e.g. OCR) in order for the application to receive the data) in electronic communication with the application, and a software module (instructions within memory) stored in the memory being configured to implement a method for a computing device as described above in reference to claim 20 (see Figure 2, col 3, lines 5-60, col 5, lines 1-65). In addition, regarding claim 62, Brusky teaches that a computer readable medium for storing program data exists within the host device, wherein the program data comprises executable instructions for implementing a method for a computing device as described above in reference to claim 20 (see Figure 2, col 3, lines 5-60, col 5, lines 1-65).

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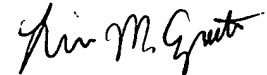
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [lisa.caputo@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lisa M. Caputo
AU 2876
January 9, 2006